

ORDERS OF THE DAY.

A bill explanatory of the 14th section of "an act to provide for the construction of the Mississippi and Pacific Rail Road Company"—approved Dec. 21st 1853; read.

Mr Taylor of Fannin, offered the following amendment:—Strike out "640" and insert "160" wherever it occurs in the bill.

On motion of Mr Palmer, the bill and amendments were laid on the table by the following vote:

YEAS—Messrs. Allen, Caldwell, Flanagan, Guinn, McCulloch, Maverick, Milliean, Palmer, Pirkey, Taylor of Fannin, Whitaker and White—12.

NAYS—Messrs. Armstrong, Burroughs, Guinn, Martin, Pedigo, Potter, Taylor of Cass, Taylor of Houston, Truit and Weatherford—10.

A bill to provide for a geological examination of the State of Texas; read third time.

Mr Potter moved a call of the Senate; carried.

On motion of Mr White, the Senate adjourned till 9 o'clock to-morrow morning, by the following vote:

YEAS—Messrs. Allen, Armstrong, Caldwell, Grimes, Millican, Pedigo, Pirkey, Russell, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Whitaker, and White—13.

NAYS—Messrs. Burroughs, Flanagan, Guinn, McCulloch, Martin, Maverick, Palmer, Potter, Truit, and Weatherford—10.

THURSDAY, January 3d, 1856.

The Senate was called to order by the President pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr Weatherford presented the petition of the citizens of Johnson county, asking for a transfer of all judicial business to Johnson district court; referred to the committee on the Judiciary.

On motion of Mr Doane, Messrs. Hord and Taylor of Fannin, were added to the select committee to investigate land titles West of the Nueces.

Mr Taylor of Cass, chairman of the committee on the public debt, made the following report:

The committee on public debt, to which was referred the memorial of Memucan Hunt, for unsettled claims against the Government of Texas, for services and advances in the years 1836, 1837, and 1838, have considered the same, and in investigating the evidences upon which the unsettled claims are based, the

committee fully sensible of the liberality and public services of the memorialist in the achievement of Texian independence, have been prompted by an earnest desire to grant the relief prayed, if not wholly antagonistic to principle, subversive of justice, and unauthorized by law and precedent. In the opinion of the committee, the memorial itself discloses facts, which under the application of plain and well settled rules of legal action, bars the desired relief. These facts are as follows :

1st. An act for the relief of Gen. Memucan Hunt, approved Feb, 10th, 1852; which provides for the allowance to said Hunt of the sum of nine hundred and thirty-eight dollars, "being balance due him for advances, &c. ; provided that the said Hunt shall, before said money is paid, file with the Treasurer of this State an unconditional release for all claims against the late Republic of Texas.

2d. The memorial shows that the 3d day of August, 1855, said Hunt did receive the sum of nine hundred and thirty eight dollars, at the same time filing an unconditional release in pursuance of the above mentioned act.

The memorial submits an adjudication assented to, by Gen. Hunt, of the identical claims which are now under consideration. It shows not only a final settlement between the State of Texas and the memorialist, but also a payment by the former, and clear acquittal by the latter. The only remaining question is, Does the memorial set forth any equitable or just reasons for a revision of this adjudication? In strict legal contemplation it does not. Does it upon the most partial and liberal construction—the facts considered? In support of the claims now preferred, Gen. Hunt presents the report of H. P. Bee, chairman of the select committee, to which his unsettled claims were referred during the Fourth Legislature of the State of Texas, which report shows a balance of \$27,108 35, in Gen. Hunt's favor. The same Legislature passed the above recited "Act for the relief of Gen. Memucan Hunt." An examination of its journals, shows that the claims now before the committee, were then fully and carefully investigated.

Mr Wren, chairman of the committee on claims and accounts, on the 5th day of December, A. D. 1851. (see House Journal of Fourth Legislature, page 262) reported upon these claims, facts and figures, showing a balance due Gen. Hunt, of \$938 17. Upon a re-commitment to the select committee, of which Mr. Bee was chairman, he reported on the 18th Dec. following, a balance due Gen. Hunt of \$27,108 35. The House laid the latter report upon the table, and adopted the former. Thus after a careful investigation of all the facts by two com-

mittees, the Legislature of 1851 determined by solemn enactment the balance due Gen. Hunt, and provided for the payment of the same. The act in question evidently intended, and clearly provided for a final settlement. It is not only conclusive, but contemplates applications for relief in the future, and expressly provides against such applications on the part of Gen. Hunt; thereby showing that all claims and matters of account for advances made and services rendered by Gen. Hunt, were then preferred, considered, and settled. The memorial does not allege, nor is there any evidence of fraud, error or mistake, in this settlement. In the absence, therefore, of any equitable and just reasons for its revision, the committee have instructed me to report the memorial back to the Senate, and to recommend its rejection—all of which is respectfully submitted.

Mr Taylor of Cass, chairman of the committee on public debt, to which was referred A bill requiring the Comptroller to issue his warrant on the Treasurer for certain lost certificates, reported a substitute therefor, and recommended its adoption and passage.

Mr Taylor, from the same committee, to which was referred A bill for the relief of Joseph D. Lilley, assignee of Jonathan Bird; reported the same back with the following amendments, and recommended the adoption of the amendments, and the passage of the bill. Amend the first section by adding, "provided, that the said Lilley shall first file with the Comptroller a bond with security, that the original bond shall not become a charge against the State.

Mr White, from the committee on private land claims, to which was referred the petition of James Cummings, reported a bill for his relief, and recommended its passage, which was read first time.

Mr White, from the same committee, to which was referred the petition of J. L. Nicholson, reported a bill for his relief which was read first time.

Mr White, from the same committee, to which was referred, the petition of Ines Rena, reported A bill for the relief of Ines Rena; read first time.

Mr Bryan, chairman of the committee on education, to which was referred A bill creating a fund for the erection and support of a University, and a substitute for the same, reported a substitute for them, and recommended its adoption and passage.

Mr Truitt, from the committee on private land claims, to which was referred the petition of Bailey Lout, reported a bill for his relief, and recommended its passage, which was read first time.

Mr Lott, from the committee on State affairs made the following report:

The committee on State affairs, to which was referred a bill for the relief of D. P. Fowler, have had the same under consideration. Your committee are satisfied that his claim is an equitable one, and presents itself with great force to the minds of your committee, and were it not for the precedent that might be established by the passage of such a law they would not hesitate in recommending it to the favorable consideration of the Senate, but believing otherwise, they instruct me to return the bill to the Senate, and ask to be discharged therefrom.

Mr Guinn, chairman of the committee on engrossed bills, reported the following bills correctly engrossed—viz:

A bill to amend the 1st, 10th, 11th, 12th, 13th, and 15th sections of an act to incorporate Chappell Hill College—approved 7th February, 1850. A bill to define the thirteenth judicial district, and to define the times of holding the district courts therein. A bill for the relief of S. A. Miller, assignee of David Spears, and a bill to incorporate Margaret Houston Female College.

Mr Taylor of Houston introduced a bill requiring the county courts to furnish the sheriffs and district surveyors with offices; read first and second times, and referred to committee on the Judiciary.

Mr Caldwell presented the petition of George W. Davis; referred to committee on claims and accounts.

Mr Allen, chairman of the select committee, to which was referred a bill to confirm the titles of certain pre-emption settlers within the limits of Peters' colony; reported a substitute therefor, and recommended its adoption and passage.

On motion of Mr Allen, the rule requiring reports to lie on the table one day, was suspended, and the report and bill were taken up, and substitute adopted.

On motion of Mr. Flanagan, the bill was amended by inserting the word "genuine," before the word "claim," wherever it occurs.

Mr Guinn offered the following amendments: Strike out the words "the oldest claims shall have the preference," and insert "shall be determined according to law;" rejected.

Mr Taylor of Fannin, moved to reconsider the vote, adopting Mr Flanagan's amendment; lost.

Mr McCulloch offered the following amendment: "Provided further, that this act shall not confirm any pre-emption claim when it conflicts with any older location or survey previously made."

On motion of Mr. Palmer, the amendment was laid on the table.

Mr McCulloch offered the following amendment: "And that all the vacant and unappropriated lands in Peters', and Mercer's colony, be subject to settlement and location, as all other lands of the State;" rejected.

The bill was then ordered to be engrossed.

Mr Allen moved that the rule be further suspended, that the bill might be read third time; lost.

Mr Grimes introduced a joint resolution proposing an amendment to the constitution; read first and second times, and referred to committee on the Judiciary.

Mr Taylor of Fannin, chairman of the committee on private land claims, to which was referred the memorial of F. De La Garza, reported a bill for the relief of Fraylan De La Garza; read first time.

Mr Taylor, from the same committee, to which was referred the petition of Caroline E. Burke, administratrix, &c.; reported a bill for the relief of the heirs of Benjamin Burke; read first time.

Mr Taylor, from the same committee, to which was referred the petition of James P. Nash, reported a bill for his relief, and recommended its passage; read first time.

Mr Burroughs presented the petition of Barney Low; referred to committee on private land claims, No. 2.

Mr Armstrong introduced a bill for the relief of Joab B. Harrell; read first time.

On motion of Mr Armstrong, the rule was suspended, bill read second time, and ordered to be engrossed.

On motion of Mr Armstrong, the rule was further suspended, bill read third time, and passed.

Mr Purkey introduced a bill to incorporate town of Boston, in the county of Bowie; read first and second times, and referred to committee on the Judiciary.

Mr Armstrong introduced a bill supplementary to an act to create the county courts, passed March 16th, 1848; read first and second times, and referred to committee on the Judiciary.

On motion of Mr McCulloch a bill for the relief of the heirs of Alfred Denton, deceased, was taken up, read, and ordered to be engrossed.

On motion of Mr McCulloch the rule was suspended, bill read third time, and passed.

A message was received from the House informing the Senate that the House had passed a bill to change the name of Julius Valentine Cook, of Fayette county, to that of Richard Valentine Cook, originating in the House; also, that the House had passed a bill originating in the Senate, for the relief of John N. Taylor.

ORDERS OF THE DAY.

A bill to provide for a geological examination of the State of Texas; read third time, and passed by the following vote :

YEAS—Messrs Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Lott, McCulloch, McDade, Martin, Maverick, Pirkey, Potter, Scarborough, and Whitaker—16.

NAYS—Messrs Armstrong, Millican, Russell, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford, White, and Wren.

On motion of Mr White, the resolution relative to adjournment was taken up.

On motion of Mr White, the resolution was amended by striking out "second Monday in July," and inserting "first Monday in July."

Mr Taylor of Cass, offered the following as a substitute for the resolution.

Resolved by the Senate, (the House concurring) That the two Houses of the present Legislature will adjourn sine die on the second Monday in February, 1856.

On motion of Mr Flanagan, laid on the table by the following vote:

YEAS—Messrs Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Lott, McCulloch, McDade, Martin, Maverick, Millican, Pirkey, Potter, Scarborough, Taylor of Fannin, Truit, Whitaker, and White—21.

NAYS—Messrs Pedigo, Russell, Taylor of Cass, Taylor of Houston, Weatherford, and Wren—6.

Mr Taylor of Fannin moved to lay the resolution on the table; lost by the following vote:

YEAS—Messrs. Allen, Bryan, Grimes, McDade, Maverick, Pedigo, Pirkey, Potter, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin—12.

NAYS—Messrs. Armstrong, Burroughs, Caldwell, Flanagan, Guinn, Lott, McCulloch, Martin, Millican, Russell, Taylor of Houston, Truit, Weatherford, Whitaker, White, and Wren—16.

Mr Taylor of Fannin, moved to amend by striking out "June," and inserting "September."

On motion of Mr Burroughs, laid on the table.

Mr Potter moved to amend by striking out "fourth of February," and inserting "20th of January."

On motion of Mr Burroughs, laid on the table.

On motion of Mr Potter, a call of the Senate was ordered.

Mr Millican moved to adjourn till to-morrow morning, at 9 o'clock; lost.

On motion of Mr Taylor of Cass, the call was suspended.

The resolution was then adopted by the following votes:

YEAS—Messrs. Armstrong, Burroughs, Caldwell, Doane, Flanagan, Guinn, Hord, Lott, McCulloch, Martin, Millican, Pirkey, Taylor of Houston, Truit, Whitaker, and White—16.

NAYS—Messrs Allen, Bryan, Grimes, McDade, Maverick, Palmer, Pedigo, Potter, Russell, Scarborough, Superviele, Taylor of Cass, Taylor of Fannin, Weatherford, and Wren—15.

Mr McCulloch moved to reconsider the vote first taken.

Mr Potter moved to lay the motion on the table; lost by the following vote:

YEAS—Messrs Allen, Bryan Flanagan, Grimes, Hord, McDade, Martin, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Fannin, and Weatherford—15.

NAYS—Messrs Armstrong, Burroughs, Caldwell, Doane, Guinn, Lott, McCulloch, Millican, Pirkey, Russell, Taylor of Cass, Taylor of Houston, Truit, Whitaker, White, and Wren—16.

On motion of Mr Palmer a call of the Senate was ordered—absent Mr Hill.

A bill giving the assent of the State of Texas to an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of Sept. 9th, 1850, which was passed at the second Session of the thirty-third Congress of the United States, and approved Feb. 28th, 1855, together with the substitute offered by Mr Scott, was read.

Mr Potter asked that the substitute be declared out of order, as being a proposition foreign to the subject matter of the bill, and not allowable as a substitute.

The President sustained the point of order.

Mr Taylor of Cass, offered the following amendment: "Provided, that the difference between the scaled rate of the indebtedness of the late Republic of Texas, and the pro rata proposed by this act, shall be paid to the State of Texas, and by her paid to the original holders of the liabilities of the late Republic of Texas, regardless of the present holders.

Mr Taylor of Fannin moved to lay the amendment on the table; lost by the following vote:

YEAS—Messrs Caldwell, Doane, Flanagan, Guinn, Hord, Lott, McCulloch, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Fannin, and Whitaker—15.

NAYS—Messrs Allen, Armstrong, Bryan, Burroughs, Grimes, McDade, Martin, Millican, Pirkey, Russell, Taylor of Cass, Taylor of Houston, Truit, Weatherford, White, and Wren—16.

On motion of Mr Taylor of Cass, the Senate adjourned until 9 o'clock to-morrow morning.